

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BARBARA J. THUMMA,

Plaintiff,

CV 04-6148-HU

v.

ORDER

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

HAGGERTY, Chief Judge:

On May 14, 2004, plaintiff filed a Complaint seeking judicial review of the Commissioner's final decision denying her application for disability benefits and Supplemental Security Income benefits. On May 6, 2005, Magistrate Judge Hubel issued a Findings and Recommendation (Doc. #20), recommending that this case be remanded to the Commissioner for additional proceedings. Objections to the Findings and Recommendation were due by May 23, 2005. No objections were filed.

The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or

recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written objections, and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the magistrate. *Thomas v. Arn*, 474 U.S. 140, 149-151 (1985); *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974) ("If neither party contests the magistrate's proposed findings of fact, the court may assume their correctness and decide the motion on the applicable law.").

No clear error appears on the face of the record. Accordingly, the court adopts Magistrate Judge Hubel's Findings and Recommendation.

CONCLUSION

The Magistrate Judge's Findings and Recommendation (Doc. #20) is ADOPTED in its entirety. The decision of the Commissioner is REVERSED and REMANDED for further proceedings consistent with Magistrate Judge Hubel's Findings and Recommendation.

IT IS SO ORDERED.

Dated this __15__ day of July, 2005.

/s/Ancer L.Haggerty

ANCER L. HAGGERTY
United States District Judge